

prietary, like the king, might dispense with all rule, and give a patent at his pleasure; or if, on the other hand, a patent were allowed to issue; yet the patentee could only take subject to all prior claims, incumbrances and equities. Therefore it could have answered no good purpose to allow an appeal from any decision of the Chancellor as Judge of the Land Office. *Ex parte Beck*, 1 Bro. C. C. 578; *Ex parte O'Reily*, 1 Ves. Jun. 112; *Ex parte Koops*, 6 Ves. 599; *Ex parte Fox*, 1 Ves. & Bea. 67.

Under the Proprietary government, the land office was always open, as the market, where any part of the vacant lands of the Province might be purchased. But to this rule there were exceptions. *The Lord Proprietary, from time to time, with-
460 drew large bodies of his lands from this market, which he declared should not be sold there until his farther pleasure was made known; and therefore to no part of such tracts, called reserves, could any title be acquired from the land office. *Land Ho. Assis.* 92; *Smith v. The State*, 2 H. & McH. 246. But these reservations were only restrictions upon the ordinary mode of selling; for the Lord Proprietary sold, leased, or gave away these reserves as well as other parts of his territory at his pleasure; of which there are a multitude of instances to be found among the records of the land office. And besides such regular and irregular grants, emanating from the land office, or direct from the Lord Proprietary himself, the Legislature, with his consent, appropriated to, or authorized the acquisition of land by individuals in various other peculiar modes. 1696, ch. 24, s. 7.

By the Revolution all lands which then belonged to the Lord Proprietary became absolutely vested in the State, and were so held for the public benefit; not however, as under the government of the Province, as the estate and for the private emolument of an

margin of the record book, where the special warrant aforesaid is recorded, setting forth the insufficiency and invalidity of the special warrant and return aforesaid.

LLOYD, Judge, 29th January, 1721.—The arguments and allegations of both parties being fully heard and duly considered, it is adjudged, pronounced and declared, that the reasons offered by the petitioner in maintenance of a caveat heretofore entered in the land office, at the making out letters patent in the name of Vincent Hemsley, for the land in dispute, are good and sufficient, according to the course and practice of the land office to bar the said Vincent Hemsley from any further proceedings thereon; and it is likewise declared, that the certificate and resurvey of two hundred and thirty acres of land aforesaid, part of Coursey upon Wye, already returned into his lordship's land office by Vincent Hemsley, aforesaid, be held and deemed to be null and void, as being found to lie within the bounds of a more ancient survey. And that an entry hereof be made in the margin of the record book where the warrant of such resurvey is recorded.—*Land Records*, lib. E. J. No. 1, fol. 1.